

The Hon. Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES and SHAYLEE MEDICRAFT,
husband and wife and the marital community
thereof, themselves and on behalf of their
minor children: JM, AM, EM, MM and NM,

Plaintiffs,

v.

STATE OF WASHINGTON, *et al.*,

Defendants.

No. 2:21-cv-01263-BJR

STIPULATED MOTION AND ORDER
FOR APPOINTMENT OF SETTLEMENT
GUARDIAN AD LITEM (GAL)

(LCR 17(c))

The parties represented by counsel signing below stipulate and agree as follows:

1. Plaintiffs, on behalf of themselves and on behalf of their minor children JM, AM, EM, MM and NM, brought the action captioned above.

2. Plaintiffs have entered into a settlement agreement with Defendant Phoenix Protective Corp. (but not with any other Defendants) for the claims brought in their complaint

STIPULATED MOTION FOR
APPOINTMENT OF SETTLEMENT GAL – 1
No. 2:21-cv-01263-BJR

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(as amended) against this Defendant (the “Settlement”).¹ The Settlement is conditioned upon Court approval of the reasonableness of the settlement amounts and proposed distribution.

3. Andrew Lee Benjamin is an attorney who practices in King County, Washington; has been a member of the Washington State Bar since 1985; and has reviewed and made recommendations for approximately 450 settlements as a minor settlement guardian ad litem, including cases in the federal U.S. District Courts.

4. LCR 17(c) requires:

In every case where the court is requested to approve a settlement involving the claim of a minor or incompetent, an independent guardian ad litem, who shall be an attorney-at-law, must be appointed by the court, and said guardian ad litem shall investigate the adequacy of the offered settlement and report thereon; provided, however, that the court may dispense with the appointment of the guardian ad litem if a general guardian has been previously appointed for such minor or incompetent, or if the court affirmatively finds that the minor or incompetent is represented by independent counsel.

5. The parties stipulating hereto respectfully request that the Court enter an Order appointing attorney Andrew Lee Benjamin as minor settlement guardian ad litem to investigate the reasonableness and adequacy of the Settlement and distribution on behalf of the minor children referenced above, and to file with the Court a written report regarding his findings and conclusions and recommendation regarding approval.

6. The parties shall file an agreed motion to seal the SGAL’s report pursuant to LCR 5(g). The parties agree that the interests in sealing outweigh the public’s access to the court file.

¹ The Settlement includes a release of all of Phoenix’s employees including Defendant al Marfadi and also a dismissal of Defendant al Marfadi.

Dated this 3rd day of April 2024.

IT IS SO STIPULATED:

<p>Arnold & Jacobowitz, PLLC</p> <p>By <u>/s/ Nathan J. Arnold</u></p> <p>Nathan J. Arnold, WSBA #45356</p> <p>R. Bruce Johnston, WSBA #4646</p> <p>Attorneys for Plaintiffs</p> <p>2701 First Avenue, Suite 200</p> <p>Seattle, WA 98121</p> <p>(206)-799-4221</p>	<p>Fain Anderson VanDerhoef Rosendahl</p> <p>O'Halloran Spillane, PLLC</p> <p>By <u>/s/ Jesse C. Williams</u></p> <p>Eron Z. Cannon, WSBA #42706</p> <p>Jesse C. Williams, WSBA #35543</p> <p>Attorneys for Defendant Phoenix Protective Corp.</p> <p>3131 Elliott Avenue, Suite 300</p> <p>Seattle, WA 98121</p> <p>(206) 749-0094</p>
<p>Western Washington Law Group, PLLC</p> <p>By <u>/s/ Dennis McGlothin</u></p> <p>Dennis McGlothin, WSBA No. 28177</p> <p>Attorney for Plaintiffs</p> <p>10485 NE Sixth Street, #1820</p> <p>Bellevue, WA 98004</p> <p>(425) 728-7296</p> <p>docs@westwalaw.com</p>	<p>Davis Rothwell</p> <p>Earle & Xochihua, P.C.</p> <p>By <u>/s/ Matthew R. Wiese</u></p> <p>Matthew R. Wiese, <i>pro hac vice</i>, OSBA #070740?</p> <p>mwiese@davisrothwell.com</p> <p>Nicole M. Rhoades, WSBA #33958</p> <p>nrhoades@davisrothwell.com</p> <p>Pedro R. Zugazaga, WSBA #55957</p> <p>kzugazaga@davisrothwell.com</p> <p>Attorneys for Defendants Lufti Al Marfadi and Jane Doe Marfadi</p> <p>200 SW Market St. Ste 1800</p> <p>Portland, OR 97201</p>
<p>Paine Hamblen, LLP</p> <p>By <u>/s/ Jeremy N. Zener</u></p> <p>Jeremy N. Zener, WSBA #41957</p> <p>Attorneys for Defendant State of Washington</p> <p>717 West Sprague Avenue, Suite 1200</p> <p>Spokane, WA 99201</p> <p>(509)-455-6000</p> <p>jeremy.zener@painehamblen.com</p>	<p>Attorney General of Washington</p> <p>By <u>/s/ Peter E. Kay</u></p> <p>Peter E. Kay, WSBA #24331</p> <p>Attorneys for Defendant State of Washington</p> <p>7141 Cleanwater Dr. SW</p> <p>Tumwater, WA 98504</p> <p>(360)-586-6300</p> <p>Peter.kay@atg.wa.gov</p>

STIPULATED MOTION FOR
APPOINTMENT OF SETTLEMENT GAL – 3
No. 2:21-cv-01263-BJR

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4 IT IS SO ORDERED.

5 DATED this 4th day of April 2024.
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8 Barbara Jacobs Rothstein
9 U.S. District Court Judge
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